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10/792,255	03/02/2004	Trent M. Thomas	114048-23	3967

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EXAMINER
WEI, ZHENG

ART UNIT	PAPER NUMBER
2192	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com
PTONotifications@procopio.com

	Application No.	Applicant(s)
Office Action Summary	10/792,255	THOMAS ET AL.
	Examiner	Art Unit	
	Zheng Wei	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>01 November 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>19-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>19-30</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Remarks

1.   This office action is in response to the amendment filed on 11/01/2007.

2.   Claims 1-18 and 31-39 have been canceled.

3.   Claims 19 and 27-30 have been amended.

4.   The objection to the specification is withdrawn in view of applicant's amendment.

5.   The objection to claims 35-39 is withdrawn in view of applicant's amendment.

6.   The 35 U.S.C. 112 second paragraph rejection to claims 2, 8, 27-30 and 35-39 is

withdrawn in view of the Applicant's amendment.

7.   The double patenting rejection to claims 1-8, 19 and 31-32 is withdrawn in view

applicant's amendment of claim 19 and cancellation of claims 1-18 and 31-32.

8.   Claims 19-30 remain pending and have been examined.

Response to Arguments

9.   Applicant's arguments filed on 11/01/2007 with respect to claims rejection have

been fully considered but they are moot in view of the new grounds of rejection

for the amended claims.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 19-30 are rejected under 35 U.S.C. 103(a) as being unpatentable by

Redford (Redford et al., US 5,711,672) in view of Owens (Owens et al., US

5,555,416)

Claim 19:

Redford discloses a method of managing a plurality of software programs for use

with a computer device in accordance with special instructions contained on

storage media external to or removable from the computer device, said method

comprising:

- activating the storage media to establish communication with the computer

  device (see for example, Fig.1D, step 113, 115, "interrupts" and related text);

- providing from the control file a list of the plurality of software programs

  located on the storage media (see for example, ;

- selecting one of the plurality of software programs for execution (see for

  example, Fig.1D, step 117, "Is DSIGOKEY.exe present in removable storage

  media peripheral which caused interrupt?");

- providing special instructions in a control sub-file located on the storage

  media for each of the selected software programs, control sub-file including

  configuration information, software launching information; and data file

  storage information execution (see for example, Fig.1D, step 117, "Is

DSIGOKEY.exe present in removable storage media peripheral which caused
interrupt?");

- transferring files and configuring the computer device from a first state in
  accordance with the configuration information, wherein upon configuration the
  computer device is in a second state execution (see for example, Fig.1D, step
  117-129, transferring DISGO.BAT and storing at variable X; executing
  instruction file and related text);

- launching the selected software in accordance with the software launching
  information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and
  related text).;

- monitoring events to determine various stages in the operation of the selected
  software (see for example, Fig.3B1, step 339, "Check if status of current
  peripheral has changed?" and related text; also see steps 378-385 about
  removing current peripheral); and

- unconfiguring the computer device upon termination of the software program
  by removing files transferred to the computing device to essentially return the
  computer device to the first state (see for example, Fig.3B1, steps 378-385
  about removing current peripheral)

But does not explicitly disclose determining that the control file indicates the
presence of the plurality of software programs located on the storage media.
However, Owens in the same analogous art of automated software installation
and operating environment configuration, discloses the same feature about

determining the installation programs/files on the storage media (pre-install class, an install class or a post-install class) according to the control file (rules file) (see for example, Fig.2, items 30', 36', 38' and related text; also see Fig.5, steps 68, 70, 72, 74 and 76 and related text). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to verify the execution condition including the presence of installation files on the storage media in order to pick different execution paths according to the presence of the installation files. One would have been motivated to do so to select the correct solution by determining or verifying all the installation files (see for example, Fig.5, steps 68, 70, 72, 74 and 76 and related text)

Claim 20:

Redford also discloses the method of claim 19, further comprising associating each of the plurality of software programs with a corresponding control file information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and related text).

Claim 21:

Redford further discloses the method of claim 20, wherein the list of software programs only includes the programs having a corresponding control file information (see for example, Fig.1D, step 129, "Execute X:\DISGO.bat" and related text).

Claim 22:

Redford also discloses the method of claim 19, further comprising copying one or

more files to said computer device to create said second state, wherein the files

include one or more of the following: linked library files, device drivers, path

information, environmental information, and registry entries (see for example,

Fig.3B1, steps 345-353 about reading an identifier, flagging current peripheral

and loading application to memory and relate text).

Claim 23:

Redford further discloses the method of claim 22, wherein said unconfiguring

step comprises removing all files copied to create said second state (see for

example, Fig.3B1, steps 378-385 about unloading and restoring computer device

and related text).

Claim 24:

Redford also discloses the method of claim 19, further comprising: selecting a

plurality of software programs for execution; configuring the computer device for

each of the plurality of software programs selected by copying one or more files

to said computer device, wherein the files include one or more of the following:

linked library files, device drivers, path information, environmental information,

and registry entries information (see for example, Fig.1D, step 129, "Execute

X:\DISGO.bat" and related text about DSIGO.bat file).

Claim 25:

Redford also discloses the method of claim 24, further comprising unconfiguring

the computer device upon termination of each of the executed software programs

by removing any files copied during configuration and any new files created

during execution of each terminated software program (see for example, Fig.3B1,

steps 378-385 about unloading and restoring computer device and related text).

Claim 28:

Redford also discloses the method of claim 19, wherein the storage medium

comprises an optical drive (see for example, Fig.3A, element 220, "CD ROM

DRIVE") .

Claims 26 and 27

Redford and Owens disclose the computer-readable medium of claim 19 above,

but does not explicitly disclose wherein the computer-readable medium

comprises a CompactFlash/flash memory drive. However, it is well known in the

computer art that CompatFlash(CF) is a type of data storage device used in

portable electronic devices by using flash memory in a standardized enclosure. It

is first specified and produced by ScanDisk in 1994 and had been widely used for

a variety of devices when this invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use CompactFlash/flash memory drive as a portable data storage media to save software, data and instruction file as <u>Redford</u> disclosed.

Claim 30

<u>Redford</u> and Owens discloses the computer-readable medium of claims 19 above, but does not explicitly disclose wherein the computer-readable medium comprises an external hard disk drive. However, it is well known in the computer art that external hard disk drive as a portal data storage media can be used to save/store computer readable data information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use external hard disk drive to store the instructions as Redford disclosed for automatically starting execution and ending execution of process from a removable storage media.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059 and Fax number is (571) 270-2059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW

ERIC B. KISS
PRIMARY EXAMINER